

REMARKS

Applicants have studied the Office Action of April 13, 2009, and take this opportunity to present arguments in support of patentability. Claim 1 has been amended. It is believed that upon objective review of the claims, and particularly analyzing this information at the time the invention was made, that it will be clear that the claims define over any fair teaching attributable to the prior art.

Applicants believe that this application is now in condition for allowance and early notice thereof is respectfully requested.

Drawing Objections

The drawings were objected to under 37 C.F.R. 1.83(a). Specifically, the recitation of claim 1 of the "rounded edges of the dimple of the third support member on the third side wall" being received by the "plurality of circular openings formed in said flanges located at said second ends of said first side wall and said second side wall . . . when the flange of one of the first and second side walls is received between the second leg of the third support member and the third wall" must be shown or the feature(s) cancelled from the claim(s). Claim 1 has been amended to remove this recitation; thus, no drawing amendments are required.

35 USC § 103(a) Rejections

Claims 1, 6, 9 and 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (U.S. Patent No. 3,168,365) ("Evans") in view of Snoke et al. (U.S. Patent No. 6,152,552) ("Snoke"), Gutner (U.S. Patent No. 4,189,796) ("Gutner"), Vargo (U.S. Patent No. 4,553,725) ("Vargo") and Znamirowski et al. (U.S. Patent No. 4,288,132) ("Znamirowski"). Claims 15 and 16 have been cancelled.

Znamirowski were deemed to teach connecting means comprising a plurality of openings formed in a flange (45) located at a second end of each of the first and second side walls (Fig. 3), as well as a support member (54) received therein.

Claim 1 has been amended to recite that a removable shelf has a planar surface and a first flange depending from the planar surface and a second flange depends from an opposite end of the planar surface, and a third flange depends from a third end of the

planar surface and a fourth flange depends from a fourth end of the planar surface opposite the third flange, wherein each of the flanges of the shelf includes at least one circular opening for receiving completely therethrough one of the dimples of one of the first, second and third support members.

Referring to paragraph [0025] of the present specification, sheet 120 has flanges 122, 124, 126, 128 which each includes a plurality of openings 130 sized to receive a dimple 116 of lance 110.

None of the art of record, alone or in combination teaches the combination of three support members formed in three walls of a cabinet with a shelf having circular openings formed on each flange for receiving dimples of one of the support members.

Claim 1 has also been amended to recite that each of the support members includes first and second linear portions extending perpendicular to a first leg and a rounded portion extending between the first and second portions. None of the art of record teaches a support member with first and second linear members with a rounded portion extending therebetween. Young teaches a tongue-like member 25 with a base section 26 extending away from surface 27 at an acute angle and bending upwardly. There are no linear members extending perpendicular from a first leg. Accordingly, amended claim 1 and claims 5, 6, 9 and 14 dependent thereon are in condition for allowance.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Evans, Snoke, Gutner, Znamirovski and Vargo and further in view of Young (U.S. Patent No. 3,677,202) ("Young"). Claim 5 depends from amended claim 1 and is in condition for allowance for the reasons given for claim 1.

35 USC § 112 Rejections

Claims 1, 5-6, 9 and 14 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to overcome this rejection. Claims 5, 6, 9 and 14 depend from amended claim 1 and also now overcome this rejection.

CONCLUSION

Applicants respectfully submit that the present Amendment removes issue for appeal, or in some other way, requires only a cursory review by the Examiner. The claims as amended do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration and/or place the application into better for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance.

For the reasons detailed above, it is respectfully submitted that all claims remaining in the application are now in condition for allowance.

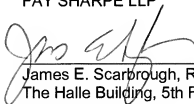
No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

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